

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Discussion of Amendments

By way of the amendment instructions above, the pending claims herein have been amended so as to emphasize that the apparatus comprises a sample plate defining a plurality of wells for containing a liquid mixture comprised of a liquid and magnetic particles to be separated therefrom, and that the plurality of substantially aligned magnets are positioned relative to the sample plate so that each of the magnets is capable of being introduced into the liquid mixture contained in a respective one of the wells, wherein the magnetic particles are separated from the liquid. Support for such an amendment can be found in the specification as originally filed on pages 4-5 as well as drawing Figures 1-3.

Claims 19-23 are new and essentially define an apparatus (claims 19-21) and method (claims 22-23) whereby a sample plate defining a plurality of wells for containing a liquid mixture comprised of a liquid and magnetic particles to be separated therefrom is positioned relative to a separating device comprised of a reciprocally movable casing a reciprocally movable magnet head which comprises a plurality of elongate magnets, wherein at least some of the magnets are inversely oriented, and the casing having the magnets received within respective ones of the casing wells is reciprocally movable into contact with the liquid mixture contained in the sample plate wells such that the magnet particles adhere to the separating surface thereof, whereby the magnetic particles are separated from the liquid mixture. Moreover, such new claims embrace the concept that the magnet head may be moved reciprocally relative to the casing such that the magnets are withdrawn from the casing wells so as to cause the magnetic particles to be released from the separating surface thereof. Support for

such an amendment can also be found in the specification as originally filed on pages 4-5 as well as drawing Figures 1-3.

Therefore, following entry of this amendment claims 1-21 will remain pending herein for consideration.

2. Response to 35 USC §102(b) Rejection

Prior claims 1-9 attracted a rejection under 35 USC §1029b) as allegedly being anticipated by Hatch et al (USP 6,514,415). Applicants respectfully suggest that Hatch et al is inappropriate as a reference against the herein pending claims.

In this regard, applicants note that Hatch et al relates to a conventional separation technique in which magnetic particles are adhered onto the inside surface of the liquid-containing vessels by means of magnets disposed physically *outside* the vessels. The magnets of Hatch et al thus do not actually separate the particles *from the liquid*.

In contrast to Hatch et al, the present invention provides an apparatus whereby a magnet head comprised of the magnets is capable of being moved relative to sample wells containing a liquid mixture of magnetic particles so that the magnets are inserted physically within the liquid mixture contained within respective ones of the sample wells so that the magnetic particles are removed physically therefrom.

Hatch et al does not disclose or suggest the structures and/or functions as defined in the pending claims herein. Nor would hatch et al render obvious the present invention as the magnet particles are adhered to the walls of the liquid containing vessel and *not* to a magnet head which is inserted physically into the liquid. Nor does hatch et al disclose the structural and functional attributes of the casing, its casing wells and the interaction with the magnets of the magnet head as defined, e.g., in pending claims 17

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and 20-23 and/or that the magnets are elongated and joined to a support plate so as to extend outwardly therefrom as defined e.g., in pending claims 19 and 21.

Therefore, withdrawal of the rejection advanced under 35 USC §1039b) based on Hatch et al is in order.

Early receipt of the Official Allowance Notice is awaited.

3. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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